EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1200-PST-E **TCEQ ID:** RN101536761 **CASE NO.:** 34313

RESPONDENT NAME: Anarkali Enterprises, Inc. dba Sack N Snack 2

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other th COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinate TCEQ Enforcement Coordinate Bryan Sinclair, Enforcement Divis	ne are no complaints. There is no record of addition an the ED and the Respondent has expressed an integister comment period expired on December 27, 200 or: None remarks. Judy Kluge, Enforcement Division, Enforcement.	al pending enforcement actions regarding this erest in this matter. 7. No comments were received. ment Team 6, MC 128, (817) 588-5825; Mr.
Respondent's Attorney: Not repr	esented by counsel on this enforcement matter	

recovery records on-site, in accordance

DOCKET NO.: 2007-1200-PST-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED **Corrective Actions Taken:** Type of Investigation: Total Assessed: \$7,200 Complaint X Routine 1) The Executive Director recognizes that Total Deferred: \$1,440 the Respondent has implemented the Enforcement Follow-up X Expedited Settlement Records Review following corrective measures at the Station: Financial Inability to Pay Date(s) of Complaints Relating to this a. The TCEQ DFW Regional Office Case: None SEP Conditional Offset: \$0 received documentation on June 29, 2007, verifying that the Respondent has begun Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$160 conducting inventory control procedures; Case: June 28, 2007 (remaining \$5,600 due in 35 monthly payments of \$160 each) b. The TCEO DFW Regional Office Date of NOV/NOE Relating to this Case: received documentation verifying that as July 17, 2007 (NOE) **Site Compliance History Classification** of June 29, 2007, the Respondent X High Average Poor successfully conducted the required piping Background Facts: This was a routine tightness and line leak detector tests; investigation. Seven violations were Person Compliance History Classification documented. X High Average Poor c. The TCEQ DFW Regional Office received documentation on August 20, Major Source: ___ Yes _X_ No WASTE 2007, verifying the registration has been amended to reflect the current release 1) Failed to provide a method of release Applicable Penalty Policy: September 2002 detection method for the USTs and the detection capable of detecting a release Stage I and Stage II equipment status; from any portion of the underground storage tank ("UST") system which d. The TCEQ DFW Regional Office contained regulated substances including tanks, piping, and other ancillary received documentation verifying that on June 29, 2007, the Respondent equipment. Specifically, the automatic successfully conducted the required annual tank gauge was not put into test mode at testing of the Stage II equipment; and least once per month and the Respondent was not conducting monthly inventory e. The TCEO DFW Regional Office control procedures [30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. WATER CODE § received documentation verifying that on June 29, 2007, swivel adapters were 26.3475(c)(1)]. installed, the Healy mini jet was repaired. and a pressure decay test was conducted 2) Failed to test the line leak detectors at with passing results. least once per year for performance and operational reliability. Specifically, the line leak detectors had not been Ordering Provisions: performance tested annually [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and 2) The Order will require the Respondent TEX. WATER CODE § 26.3475(a)]. a) Within 30 days after the effective date 3) Failed to provide release detection for of this Agreed Order: the piping associated with the USTs. Specifically, the Respondent did not conduct the annual piping tightness test i. Begin putting the automatic tank gauge [30 Tex. ADMIN. CODE § 334.50(b)(2) and equipment into test mode at least once per Tex. Water Code § 26.3475(a)]. month and implement a release detection method for the USTs at the Station, in 4) Failed to provide an amended UST accordance with 30 Tex. ADMIN. CODE § registration to the Commission for any 334.50; and change or additional information regarding USTs within 30 days from the date of the ii. Begin maintaining all Stage II vapor

occurrence of the change or addition, as

RESPONDENT NAME: Anarkali Enterprises, Inc. dba Sack N Snack 2

DOCKET NO.: 2007-1200-PST-E

	applicable. Specifically, the registration
I	was not amended to reflect the current
	release detection method for the USTs and
	the Stage I and Stage II equipment status
	[30 Tex. Admin. Code § 334.7(d)(3)].

- 5) Failed to maintain records on-site at the Station ordinarily manned during business hours, and make them immediately available for review upon request. Specifically, records not available for review included a copy of the applicable California Air Resources Board ("CARB") Executive Order, Stage II employee training, and Stage II maintenance records [30 Tex. Admin. Code § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b)].
- 6) Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted [30 Tex. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
- 7) Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the Healy on-board refueling vapor recovery (ORVR) system was not operating and there were no devices installed to prevent loosening or over tightening of the Stage I equipment [30 TEX. ADMIN. CODE § 115.242(3) and (3)(A) and Tex. Health & Safety Code § 382.085(b)].

with 30 Tex. ADMIN. CODE § 115.246.

b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii.

Additional ID No(s).: PST 64497

Policy Revision 2 (Sep	Penalty Calculation Worksheet (PCW) PCW Revision	on June 26, 2007
TCEQ		74.00
DATES Assigned PCW		***************************************
RESPONDENT/FACILITY		
	Anarkali Enterprises, Inc. dba Sack N Snack 2	
Reg. Ent. Ref. No. Facility/Site Region		Manufact. (This
CASE INFORMATION Enf./Case ID No.	No. of Violations 5	The state of the s
Docket No.	2007-1200-PST-E Order Type 1660	- 00
Media Program(s)	Petroleum Storage Tank Enf. Coordinator Judy Kluge	100000000000000000000000000000000000000
Multi-Media		- 40.00
Admin. Penalty \$	Limit Minimum \$0 Maximum \$10,000	
	Penalty Calculation Section	division of the second
TOTAL DAGE DENAL	and the control of th	\$8,000
TOTAL BASE PENAI	LTY (Sum of violation base penalties) Subtotal 1	\$6,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1	
Subtotals 2-7 are obta	ined by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	-\$800
Compliance Hist	tory -10% Enhancement Subtotals 2, 3, & 7	-\$600
Notes	Reduction for High Performer classification.	
		and the state of t
Culpability	No 0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
	rt to Comply 0% Reduction Subtotal 5	\$0
Good Faith Effo	rt to Comply 0% Reduction Subtotal 5	40
Extraordinar		TORRE COMMISSION
Ordinar		or representation of the control of
N/A	Y (mark with x)	constit VVVIII (VVIII VVIII VV
Notes	The Respondent does not meet the good faith criteria.	NO.
The second secon	and the second s	. According to the second
	0% Enhancement* Subtotal 6	\$0
Approx	Total EB Amounts \$7,725 *Capped at the Total EB \$ Amount Cost of Compliance \$9,600	
SUM OF SUBTOTAL	_S 1-7 Final Subtotal	\$7,200
	en e	\$0
	AS JUSTICE MAY REQUIRE Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.)	
Reduces of efficiences the final	Custotal by the indicated personage. (Enter name of only) eight a last a const	
Notes		
The state of the s	First Provide Amount	\$7,200
	Final Penalty Amount	Ψ1,200
STATUTORY LIMIT	ADJUSTMENT Final Assessed Penalty	\$7,200
OIATOTORY Emily		
DEFERRAL	20% Reduction Adjustment	-\$1,440
Reduces the Final Assessed Pe	enalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	
Notes	Deferral offered for expedited settlement.	
110162	Dolorial official for expedition contains	
PAYABLE PENALT	Y - (* * * * * * * * * * * * * * * * * *	\$5,760

Screening Date 25-Jul-2007

Docket No. 2007-1200-PST-E

PCW

Respondent Anarkali Enterprises, Inc. dba Sack N Snack 2

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Case ID No. 34313

Reg. Ent. Reference No. RN101536761

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Component	Number of E	nter Number Here	Adjust.
NOV\$	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	. , 0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ŏ.	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
, tudito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleas	e Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pe	ercentage (Si	ubtotal 2)
eat Violator (Su	ıbtotal 3)		- 1
Ne	Adjustment Pe	ercentage (Si	ıbtotal 3) 🗌
pliance Histor	y Person Classification (Subtotal 7)		
High Pe	former Adjustment Pe	ercentage (Si	ıbtotal 7) 🗌
pliance Histor			
Compliance History Notes	Reduction for High Performer classification.		

Scre	ening Date	25-Jul-2007		L	Jocket INC	2007-120	0-PS1-E		FCVV	1
R	espondent	Anarkali Enter	prises, Inc. d	ba Sack N Si	nack 2			Policy Rev	vision 2 (September 200	02)
(Case ID No.	34313						PC	W Revision June 26, 20	107
Reg. Ent. Ref	ference No.	RN101536761	I							
Med	ia [Statute]	Petroleum Sto	rage Tank							
Enf. C	Coordinator	Judy Kluge								
Viol	ation Number	1								
	Rule Cite(s)	30 Tex. Ad	min. Code §		A), (b)(2), a .3475(a) and		i)(III) and Tex	c. Water		
Violatio	n Description	piping, and o put into tes monthly inver associated piping tightr	the UST system other ancillary t mode at lea atory control p with the UST ness test. Fa e and operati	em which con requipment. st once per no procedures. F s. Specifical iled to test the	tained regul Specifically nonth and the failed to pro ly, the respondentially e line leak day. Specifica	ated substar , the automa e responder vide release ondent did no etectors at le lly, the line le	nces including tic tank gaught was not conduct the conduct the cast once pe	g tanks, e was not nducting r the piping e annual r year for		e sed tre establishing de fer de bereitste de bestekte de bestekte de stekten de se det de de bestekte de best
							Ва	se Penalty	\$10,0	000
>> Environmenta	l, Property a	and Human		trix	e de la companya de				·	
	Release	Major	Harm Moderate	Minor						
OR	Actual	r	Moderate	IVIIIOI I	7					
	Potential				<u> </u>	Percent	25%			
SS Dro arammatia	Matrix				3.593.55	591 · ·				
>>Programmatic	Falsification	Major	Moderate	Minor	erenakken	1.54				
	Taisincation	l lajoi	T. Moderate	1		Percent	0%			
	<u>L</u>		<u> </u>	<u> </u>						
Matrix Notes	Human hea that are	alth or the envi e protective of	ronment will c human health	or could be ex n or environm	rposed to po ental recept	ollutants which	th would exce ult of the viol	ation.		and a specific section of the descendance of the section of
Angelier Dr. 15		Sales in the sales of the sales	errori err	3440		Adjustmer	it	\$7,500		
D1987 50 17960 11 1 1000 10 10 10 10 10 10 10 10 10 1								Г	\$2,5	500
								L	ΨΖ,	200
Violation Events		authors I		100000	35344354	Shehm!		LIBERT STATE		
	Number of Vi	olation Events	1]	27	Number	of violation d	ays		
		daily		7						
		monthly	x x	1						
	mark only one	quarterly					Violation Ba	se Penalty	\$2,	500
	with an x	semiannual		1				•		
		annual								
		single event				*.	•			
									ı	
	One mont	hly event is red 2007	commended to investigation	pased on doc n to the June	umentation 29, 2007 co	of the violati mpliance da	on during the	June 28,		
Economic Benef	it (EB) for th	nis violatior				Statuto	ory Limit T	est		
same sameta ta a a a a a a a a a a a a a a a a a	and the second s	ed EB Amoun		\$6,5	76	Viola	tion Final Pe	enalty Total	\$2,	250
REAL COMMUNICATION							H 1-19 1	a e	60	250
		wayoona needona sanno Consellata		This violatio	n Final Ass	essed Pena	uty (adjuste	a tor iimits)	<u>\$2,</u>	,250

	Barrier E	conomic l	3enefit W	orks	heet	salage rose	- 1
Respondent	Anarkali Enterp	rises, Inc. dba Sac	k N Snack 2				
Case ID No.							
Reg. Ent. Reference No.							
Media	Petroleum Stor	age Tank			••	Percent Interest	Years of Depreciation
Violation No.					. Japan Larati Salah Terdi	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		ga 1996 (1997) Garaga	orth Sentracidité Connectations de los	odD dil	ropa sations	(s)oriQ atubi	
Delayed Costs					yan yan daya	Paris Carrier	
Equipment			are property	0.0	\$0	\$0	\$0
Buildings	and the second second		Hardelpharaca	0.0	\$0	\$0	\$0
Other (as needed)	PROFILE STATE		uda askabila a la la	0,0	\$0	\$0	\$0
Engineering/construction			a aballikasi sa	0.0	\$0	\$0	\$0
Land	er range in the		to an Augustia	0.0	\$0	n/a	\$0
Record Keeping System	Section 1		La Maria La Sala	0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs			DEFECTABLE TOP 48 SET TO 1	0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Jun-2007	1129-Jun-2007	0.0	\$0	n/a	\$0
Notes for DELAYED costs			and the final date	is the c	date of compliance	te required is the inv	างเราสับเราสุดเกราะ (: #
Avoided Costs	ANI	IUALIZE [1] avoide	d costs before e	* A A A A A A A A A A A A A A A A A A A	The second control of	The state of the s	
Disposal Personnel		1198	CALIFORNIA	0.0	\$0 \$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling		3.		0.0	\$0	\$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$6,000	28-Jun-2006	29-Jun-2007	1.9	\$576	\$6,000	\$6,576
Other (as needed)	ΨΟ,ΟΟΟ	20 0dii 2000	20 0011 2001	0.0	\$0	\$0	\$0
Other (as necucu)		النصيبينينينينيناا	. 4	<u> </u>	1 <u>Y</u> U		Ψ-
Notes for AVOIDED costs	Avolded cost for				d line leak detector nal date is the date	test. The date request of compliance.	uired is one year
	de la constanta	a tan i la Naran didhashi		<u> </u>	1		
Approx. Cost of Compliance		\$7,500			TOTAL		\$6,576

Screening Dat	e 25-Jul-2007	Docket N	o. 2007-1200-PST-E	PCW
Responden	t Anarkali Enterprises, Inc.	dba Sack N Snack 2	Pe	olicy Revision 2 (September 2002)
Case ID No	. 34313			PCW Revision June 26, 2007
Reg. Ent. Reference No	RN101536761			
-	Petroleum Storage Tank			
Enf. Coordinate	p			. •
Violation Number				
Rule Cite(5)	30 Tex. Admin. Code § 3	34.7(d)(3)	
Violation Descriptio	additional information reg	garding USTs within 30 day is applicable. Specifically,	the Commission for any change is from the date of the occurrent the registration was not amended USTs and the Stage I and Stages.	ce of ed to
•			Base Pe	nalty \$10,000
>> Environmental, Property	and Human Health Ma	atrix		
	Harm		i i Marco Perong (no o Pontain Christian Christian o o o o de Primir e Allerine Marchelle (no de Allerine)	
Releas		Minor		
OR Actu Potenti			Percent 0%	1
r otem.				
>>Programmatic Matrix		SSCIENT CONTRACTOR		
Falsificatio	n Major Moderate	Minor	DOTE OF Y	
	X		Percent 10%	
Matrix Notes	100% of	the rule requirement was n	not met.	
	a series e major Dinastra	St. die Mid-Schollen und Albert	Adjustment \$	9,000
	P11- P21-115 P21-14-15-1-14-22-52-4 CONSESSION PARAMETER PARAMETER PARAMETER PARAMETER PARAMETER PARAMETER		1-2-2-2-4-2-7-2-2-7-1-2-2-2-2-2-2-2-2-2-2-2-2-2-2	£4.000
				\$1,000
Violation Events		and the second second		WOLDS AND A
	Carrier STI ST SEE A SANGELLAND	PARTITION OF THE PARTIT		53.560.5. 807
Number of '	Violation Events 1	27	Number of violation days	
	•			n
	daily			
	monthly		Violation Base Pe	nalty \$1,000
mark only or with an x	e quarterly semiannual	-	·	
	annual	=		
•	single event x			
-				 1
One singl	e event is recommended ba	sed on documentation of the investigation.	he violation during the June 28,	2007
Economic Benefit (EB) for	this violation		Statutory Limit Test	
Estima	ted EB Amount	\$1	Violation Final Penalty	Total \$900
	in a market filled at the contribution of the contribution of the filled the fill of the f	This violation Final As	sessed Penalty (adjusted for I	imits) \$900

	· · · · · · · · · · · · · · · · · · ·	conomic l	3enefit W	orks	sheet	new to this	- 1980
Respondent Case ID No.		orises, Inc. dba Sac	k N Snack 2				
Reg. Ent. Reference No.							
	Petroleum Stor	rage Tank				Percent Interest	Years of Depreciation
	Talahi sa				PENEROS C	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그				115	interest Saveu	Oneunie Costs	LD Amount
Item Description	No commas or \$	A KANDURGA DOM DOM III	11-19-14-10-19-19-19-19-19-19-19-19-19-19-19-19-19-				
7. <u>22</u> . 以 3. 22. 1. 1. 194 2 (24) 7. 28 以			SZEGRATA MARKET PER SERVE TO THE				
Delayed Costs	State State Minus	ere unanabago popular e de la la		1 22	in the second	00	00
Equipment	<u> </u>	aladina strada atecal		0.0	\$0 \$0	\$0 \$0	\$0 \$0
Buildings	11.000			0.0	\$0 \$0	\$0 111217 \$ 0	\$0 \$0
Other (as needed)		Tall of the state	A Commence of the Commence of	0.0	\$0 \$0	\$0	\$0
Engineering/construction				0.0	\$0	n/a	\$0 \$0
Land	\$100	28-Jun-2007	20-Aug-2007	0.0	\$1	n/a	\$1
Record Keeping System Training/Sampling	1 100	20-30H-2007	20-Aug-2001	0.0	\$0	n/a	\$0
Remediation/Disposal		1		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Release Detection/Testing				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Estimated cos				n to the TCEQ. The date of compliar	ne date required is th	ne investigation
- 649		d	ate and the final c	ate is th	e date of compliar		
Notes for DELAYED costs Avoided Costs Disposal		d	ate and the final c	ate is th	e date of compliar	ice.	
Avoided Costs		d	ate and the final c	ate is the	e date of compliar	one-time avoided c	osts)
Avoided Costs Disposal Personnel		d	ate and the final c	ate is the	e date of compliar item (except for \$0	one-time avoided c	osts)
Avoided Costs Disposal Personnel		d	ate and the final c	entering	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampfing		d	ate and the final c	ntering 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampfing Supplies/equipment		d	ate and the final c	ntering 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampfing Supplies/equipment Financial Assurance [2]		d	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel nspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		dUALIZE [1] avoide	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	so \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		dUALIZE [1] avoide	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	so \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		dUALIZE [1] avoide	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Avoided Costs Disposal Personnel nspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		dUALIZE [1] avoide	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	so \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		dUALIZE [1] avoide	ate and the final c	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	e date of compliar item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c	so \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	25-Jul-2007	Docket No. 2007-1200-PS	T-E PCW
_	Anarkali Enterprises, Inc. d	ba Sack N Snack 2	Policy Revision 2 (September 2002)
Case ID No.	34313		PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN101536761		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Judy Kluge		
Violation Number	3		
Rule Cite(s)	30 Tex. Admin. Code §	115.246(7)(A) and Tex. Health & Safety Co	de § 382.085(b)
Violation Description	hours, and make them in Stage II records not availa	ds on-site at the Station ordinarily manned of mmediately available for review upon requesible for review included a copy of the applic ") Executive Order, Stage II employee train maintenance records.	st. Specifically, able California Air
			Base Penalty \$10,000
>> Environmental, Property a	and Human Health Mat	PERMITTERS OF SECURITION OF SE	
	Harm	yendari isonoo xarayisii ali saalisaa ahaa ahaa ahaa ahaa ahaa ahaa ahaa	a a suite of the s
Release	Major Moderate	Minor	
OR Actual	<u> </u>	Percent	0%
Potential		reicent	U 70]
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
	X	Percent	10%
Matrix Notes	100% of th	e rule requirement was not met.	
	15.12.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.	THE THE PROPERTY OF THE PROPER	00.000
	100 C	Adjustment	\$9,000
			\$1,000
Violation Events	Programme Commence	Property of property and a property of the conduction	
STO, TOS Cross/Aut.co/ Districts of Alder No. and December 1 above the control of the state of the control of t	(1.0
Number of Vi	olation Events 1	27 Number of vic	olation days
		7	
	daily monthly	-	
mark only one	quarterly	Viola	ation Base Penalty \$1,000
with an x	semiannual		
	annual		
	single event x		
One single	event is recommended base	ed on documentation of the violation during investigation.	the June 28, 2007
Economic Benefit (EB) for the	nis violation	Statutory I	imit Test
Fetimate	ed EB Amount	\$17 Violation	Final Penalty Total \$900
		This violation Final Assessed Penalty (adjusted for limits) \$900

Media Violation No.	RN101536761 Petroleum Stora	age Tank				Percent Interest	Years of Depreciation
	description (nature)	o bono matratolisti			esera graditiva	5.0	1
ltem Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs		A Service Control					•
Equipment				0.0	\$0	\$0	\$0
Buildings	cara dia anti-		autor .	0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	inia n/a	\$0
Record Keeping System	\$500	28-Jun-2007	28-Feb-2008	0.7	\$17	n/a	\$17
Training/Sampling				0,0	\$0	· n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs			The state of the s	0.0	\$0	n/a	\$0
Other (as needed)	Estimated co	st to establish a rec	cord keeping syste	. 0.0	\$0		\$0.
Other (as needed) Notes for DELAYED costs Avoided Costs	en e	and	the final date is th	m at the	\$0 Station. The date sted date of compli- item (except for	e required is the invelored.	\$0 estigation date
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	en e	and	the final date is th	m at the ne expect	\$0 Station. The datated date of complication (except for \$0	e required is the invelored one-time avoided c	\$0 estigation date
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	en e	and	the final date is th	m at the expeding of the exped	\$0 Station. The datated date of complication (except for \$0 \$0	e required is the invelored is the invelored is the invelored is the invelored in the invel	\$0 estigation date osts) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	en e	and	the final date is th	m at the expect	\$0 Station. The datated date of complication (except for \$0 \$0 \$0	e required is the investance.	\$0 estigation date osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	en e	and	the final date is th	ntering 0.0 0.0 0.0 0.0 0.0	\$0 Station. The datated date of complition (except for \$0 \$0 \$0 \$0	e required is the inversaries one-time avoided c so so so so so so so	\$0 estigation date osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spectlon/Reporting/Sampling Supplies/equipment Financial Assurance [2]	en e	and	the final date is th	ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Station. The datated date of complition (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inversance: sone-time avoided c so so so so so so	\$0 estigation date osts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pectlon/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	en e	and	the final date is th	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 Station. The datated date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the invelored cone-time avoided co	\$0 estigation date osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pectlon/Reporting/Sampling Supplies/equipment Financial Assurance [2]	en e	and	the final date is th	ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Station. The datated date of complition (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e required is the inversance: sone-time avoided c so so so so so so	\$0 estigation date osts) \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date 25	5-Jul-2007			Docket No	. 2007-1200	-PST-E		PCW
F	Respondent Ar	narkali Enterp	orises, Inc. d	lba Sack N Sr	nack 2			Policy Re	vision 2 (September 2002)
(Case ID No. 34	1313						PC	W Revision June 26, 2007
Reg. Ent. Ref	ference No. RI	N101536761							
Med	lia [Statute] P∈	etroleum Sto	rage Tank						
	Coordinator_Ju	ıdy Kluge							
Viol	ation Number	4							
•	Rule Cite(s)	30 Tex. Ad	dmin. Code §	§ 115.245(2) a	and Tex. Hea	Ith & Safety C	Code § 382.0	85(b)	
Violatio	n Description	Failed to v months. Sp	erify proper opecifically, the	operation of the Stage II and	ne Stage II ed nual system o onducted.	quipment at le compliance te	east once eve esting had no	ery 12 t been	
							Bas	e Penalty[\$10,000
>> Environmenta	l, Property and	d Human l	Health Mar	trix	Saga.				
	Release	Major	Moderate	Minor					
OR	Actual								
	Potential	x]	Percent	25%		
_			- Madalahan (1951)	1. 104. 164. 165 (1. 188. 1. 104. 164. 165. 165. 167. 168.		74. P	•		
>>Programmatic		Major	Moderate	Minor		M			
Marine Company	Falsification	Major II	Moderate	T	1	Percent	0%		
	LIL_								
Matrix	Human health o	or the environ	ment will or	could be expo or environmer	osed to pollut	ants which we	ould exceed f the violation	evels that	
Notes	are pro	nective of flu	man neam t	or environmen	ital receptors	as a result o	T trio violation	'	
			V-22Y-7			marine season is especial, but		A = =0.01	,
			Laren et 175	304	Alla Single	Adjustment		\$7,500	
									\$2,500
						C. C			
Violation Events	cana a children	rografia Lightner	150 their 11	r (1984) - 15 - 16 - 16 - 16 - 16 - 16 - 16 - 16	Security Comp.	4,000	7 Paris 945		
				71			f!- -4 -		
	Number of Viola	ition Events	1		365	Number of	f violation da	ys	
		daily		ī	•				* 1
		monthly		1			•		
	mark only one	quarterly		1		٧	iolation Bas	e Penalty	\$2,500
		semiannual						•	
		annual	X						
		single event	***************************************				,		
	One annual eve	ent is recomr	mended for t	he 12-month	period preced	ling the June	28, 2007 inv	estigation.	,
mirojilase mente	L (EB\ 45 41- !-	· violation				Statuto	ry Limit Te	el (1811)	
Economic Benef				Q4 00	<u> </u>		on Final Per		\$2,250
BAAAAAA	Estimated	EB Amount		\$1,09	20]	violati	on i mai rei	inity Total	
				This violation	on Final Ass	essed Penal	ty (adjusted	for limits)	\$2,250
					STATE OF STATE OF				

Respondent Case ID No. eg. Ent. Reference No.	Anarkali Enterp		Benefit W	orks	sheet	GALLANDE STORM	Militar.
T *1 T T T T T T T T T T T T T T T T T T		orises, Inc. dba Sac	k N Snack 2			Contracting on the second of t	
g. Ent. Reference No.	34313						
Media Violation No.	Petroleum Stora	age Tank				Percent Interest	Years of Depreciation
A THE STREET STREET STREET	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description			ma (sport in				
Delayed Costs	1 - y vi kreli i Mkaliks	Candidesia pa di la	er er er er er	1. 0.0	\$0	\$0	\$0
Equipment	seus sitti anno ant dag	karpantin a like dit di dikeni IN	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	\$0	\$0 \$0
Buildings Other (se peeded)		By Children Color March 1967 The Children Color March 1967	SOFTER FRANCE	0.0	\$0	\$0	\$0 \$0
Other (as needed) Engineering/construction		- galibais tiss un dell'illationa Alle Vas 1910		0.0	\$0	\$0	\$0
Land	<u></u>			0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling			- 11 - 14 - 15 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	h/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
				0.0	\$0		
Other (as needed)			* * * * * * * * * * * * * * * * * * *][0.0		n/a	\$0
Notes for DELAYED costs	ANN	UALIZE [1] avoid	result.	erst.		n/a	
Notes for DELAYED costs Avoided Costs	ANN	UALIZE [1] avoid	Anthonya,	erst.		ovaš karati ovaš karati arkatika	osts)
Notes for DELAYED costs	ANN	IUALIZE [1] avoid	Anthonya,	ntering	Item (except for	one-time avoided c	
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANN	IUALIZE [1] avoid	Anthonya,	ntering	item (except for	one-time avoided c	osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANN	IUALIZE [1] avoid	Anthonya,	ntering 0.0 0.0 0.0		one-time avoided c	osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			ed costs before e	ntering 0.0 0.0 0.0 0.0		one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	ANN	IUALIZE [1] avoid	Anthonya,	ntering 0.0 0.0 0.0		one-time avoided c	osts) \$0 \$0 \$0 \$0

PGW	NO. 2007-1200-PST-E	Dock		25-Jul-2007	ening Date 2	Scree
sion 2 (September 2002)	Polícy Revisio	a Sack N Snack 2	rprises, Inc. db	Anarkali Ente	espondent /	R
/ Revision June 26, 2007	PCW R			34313	Case ID No. 3	C
			1	RN10153676	erence No. 1	Reg. Ent. Ref
					ia [Statute] i	· -
					oordinator .	
				5	ation Number	
	and Tex. Health & Safety Code §	115.242(3) and (3)	Admin. Code §	30 Tex. /	Rule Cite(s)	
		382.085	<u>-</u>			
	stem in proper operating condition, as le CARB Executive Order(s), and free ne system including, but not limited to at is a part of the approved system. It recovery (ORVR) system was not prevent loosening or over tightening of ment.	er and/or any applion or the effectiveness on of any component on-board refueling va	the manufactur at would impail or disconnection by, the Healy on	specified by to of defects the absence of Specifical	n Description	Violation
\$10,000	Base Penalty				Les	•
		i x	Health Mati	nd Human	, Property a	> Environmental
		Minor	Moderate	Major	Release	5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
ů.					Actual	OR
	Percent 10%		х		Potential	100
	1988/2519					
		egge edit (File agego)	Action Charles			>Programmatic I
	Percent 0%	Minor	Moderate	Major	Falsification	
	Percent 0%		<u> </u>	L		
					IT	
•	ignificant amounts of pollutants which environmental receptors as a result of	ve of human health the violation.	at are protecti	th or the envii	would not exc	Matrix Notes
	Adjustment \$9,000	ersteration interest and the specification of the s	1 959 St 1809 St. 177(8)	690-64 K/] (1 0.9996 6	Se divinis dissilatività di Section se S	
	Adjustment \$9,000	300000000000000000000000000000000000000			igi Misika Katamara dalah	
\$1,000						
		e sausto successimus mennaan meetekkeelemessoo				•
		the facility of the last		Section of the sectio	A CONTRACTOR	iolation Events
	Number of violation days	l-	r	-I-fine Cuanto	Ni mala a a a f Ma	
	Number of Violation days	<u>L</u>		Diation Events	Number of Vio	
		,		daily		
				monthly		
\$1,000	Violation Base Penalty		х	quarterly	mark only one	
				semiannual	with an x	
				annual		
		'		single event		•
	n of the violation during the June 28, compliance date.	ased on document to the June 28, 200			One quarte	
		*55.77	- -			
	Statutory Limit Test		ı	is violatior	it (EB) for th	Economic Benefi
\$900	Violation Final Penalty Total	\$35	t	d EB Amoun	Estimated	
		l	L			
\$900	ssessed Penalty (adjusted for limits)					

eg. Ent. Reference No.	34313	orises, Inc. dba Sac				51-1-10-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	
Media Violation No.	Petroleum Stor 5	rage Tank	新加州的 斯尔·蒙特 100 - 1			Percent Interest	Years of Depreciation
ltem Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	15 EB Amount
Delayed Costs		4427695					
Equipment	.\$500	28-Jun-2007	29-Jun-2008	1.0	\$2	\$34	\$35
Buildings	ΨΟΟΟ.	10 Juli 2001	25 Juli 2000	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			August and the second	0.0	\$0	\$0	\$0
Land			devision in the	0.0	\$0	n/a	\$0
Record Keeping System	1000000	(38 t 200 (30 t) 1	elai Bolyaban	0.0	\$0	n/a	\$0
Training/Sampling			June ori	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	II ilistalling swive		airing the Healy mi	11 161 1	Tie date required i		
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANN		La Carlotta La Carlotta	date of	compliance.	one-time avoided c	-
Avoided Costs Disposal Personnel	ANN		La Carlotta La Carlotta	date of ntering 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANN		La Carlotta La Carlotta	0.0 0.0 0.0 0.0 0.0	compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANN		La Carlotta La Carlotta	date of 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ANN		La Carlotta La Carlotta	0.0 0.0 0.0 0.0 0.0	compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custome	er/Respondent/Owner-Operator:	CN600807382	Anark	ali Enterprises, Inc.		Classific	cation: HIGH	Ratir	ng: 0.00
Regulate	ed Entity:	RN101536761	SACK	N SNACK 2		Classific	ation: HIGH	Site	Rating: 0.00
ID Numb	per(s):	PETROLEUM S'		TANK	REGISTE	RATION		64497	
Location	:	739 W KENNED	ALE PKW	Y, KENNEDALE, T	ζ, 76060	Rating I	Date: Septembe	r 01 06 Repe	at Violator: N
TCEQ R	degion:	REGION 04 - DF	W METR	OPLEX					
Date Co	mpliance History Prepared:	July 24, 2007							
Agency	Decision Requiring Compliance History	: Enforcement							
Complia	nce Period:	July 24, 2002 to	July 24, 2	007					
TCEQ S	taff Member to Contact for Additional Ir	nformation Regarding	this Com	pliance History					
Name:	Judy Kluge	Pr	ione:	817-588-5825			<u> </u>		
		Site C	omplia	nce History Com	ponents				
1. Has tl	he site been in existence and/or operati				Yes				
	here been a (known) change in owners , who is the current owner?	hip of the site during the	ne compli	ance period?	No N/A			• • •	
4. if Yes	s, who was/were the prior owner(s)?				N/A				
5. When	n did the change(s) in ownership occur	?		*	N/A				
Compo	onents (Multimedia) for the Site :								4
A.	Final Enforcement Orders, court judg	gements, and consent	decrees	of the state of Texas	and the fede	ral governme	ent.		11.00
	N/A								
В.	Any criminal convictions of the state	of Texas and the fede	eral gover	nment.					
	N/A		J	9		4			
C.	Chronic excessive emissions events	s.							
	N/A								
D.	The approval dates of investigations 1 10/29/2003 (250888) 2 07/12/2004 (273982) 3 07/16/2007 (566211)	s. (CCEDS Inv. Track.	No.)						
E.	Written notices of violations (NOV).	(CCEDS Inv. Track. N	0.)						
F.	Environmental audits.								
G.	Type of environmental management	t systems (EMSs).							
	N/A								
H.	Voluntary on-site compliance asses	sment dates.							
	N/A								
l.	Participation in a voluntary pollution	reduction program.					,		
	N/A								
J.	Early compliance.								
	N/A								
Sites O	utside of Texas								
	N/A	•							

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PRESENT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	· §	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ANARKALI ENTERPRISES, INC. DBA	§	
SACK N SNACK 2	§	ENVIRONMENTAL QUALITY
RN101536761	-	

AGREED ORDER DOCKET NO. 2007-1200-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Anarkali Enterprises, Inc. dba Sack N Snack 2 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 739 West Kennedale Parkway in Kennedale, Tarrant County, Texas (the "Station").
- 2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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6. An administrative penalty in the amount of Seven Thousand Two Hundred Dollars (\$7,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Sixty Dollars (\$160) of the administrative penalty and One Thousand Four Hundred Forty Dollars (\$1,440) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Five Thousand Six Hundred Dollars (\$5,600) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Sixty Dollars (\$160) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. The TCEQ Dallas/Fort Worth Regional Office received documentation on June 29, 2007, verifying that the Respondent has begun conducting inventory control procedures;
 - b. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that as of June 29, 2007, the Respondent successfully conducted the required piping tightness and line leak detector tests;
 - c. The TCEQ Dallas/Fort Worth Regional Office received documentation on August 20, 2007, verifying the registration has been amended to reflect the current release detection method for the USTs and the Stage I and Stage II equipment status;
 - d. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that on June 29, 2007, the Respondent successfully conducted the required annual testing of the Stage II equipment; and
 - e. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that on June 29, 2007, swivel adapters were installed, the Healy mini jet was repaired, and a pressure decay test was conducted with passing results.

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- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances including tanks, piping, and other ancillary equipment, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on June 28, 2007. Specifically, the automatic tank gauge was not put into test mode at least once per month and the Respondent was not conducting monthly inventory control procedures.
- 2. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on June 28, 2007. Specifically, the line leak detectors had not been performance tested annually.
- 3. Failed to provide release detection for the piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on June 28, 2007. Specifically, the Respondent did not conduct the annual piping tightness test.
- 4. Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable, in violation of 30 Tex. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on June 28, 2007. Specifically, the registration was not amended to reflect the current release detection method for the USTs and the Stage I and Stage II equipment status.
- 5. Failed to maintain records on-site at the Station ordinarily manned during business hours, and make them immediately available for review upon request, in violation of 30 Tex. ADMIN. CODE § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on June 28, 2007. Specifically, records not available for review included a copy of the applicable California Air Resources Board ("CARB") Executive Order, Stage II employee training, and Stage II maintenance records.

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Anarkali Enterprises, Inc. dba Sack N Snack 2 DOCKET NO. 2007-1200-PST-E Page 4

- 6. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on June 28, 2007. Specifically, the Stage II annual system compliance testing had not been conducted.
- 7. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system, in violation of 30 Tex. ADMIN. CODE § 115.242(3) and (3)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on June 28, 2007. Specifically, the Healy onboard refueling vapor recovery (ORVR) system was not operating and there were no devices installed to prevent loosening or over tightening of the Stage I equipment.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Anarkali Enterprises, Inc. dba Sack N Snack 2, Docket No. 2007-1200-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin putting the automatic tank gauge equipment into test mode at least once per month and implement a release detection method for the USTs at the Station, in accordance with 30 Tex. ADMIN. CODE § 334.50; and
 - ii. Begin maintaining all Stage II vapor recovery records on-site, in accordance with 30 Tex. ADMIN. CODE § 115.246.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including



photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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Anarkali Enterprises, Inc. dba Sack N Snack 2 DOCKET NO. 2007-1200-PST-E Page 6

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	·
Har Sallin	1/21/2008
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

| D | 15-67 |
| Date |
| Name (Printed or typed) |
| Authorized Representative of

Anarkali Enterprises, Inc. dba Sack N Snack 2

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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